IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 4106 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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BACHUBHAI SURATABHAI GODADIA & 4 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR NITIN M AMIN for Applicant(s) : 1 - 5.
MR HL JANI ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
MR BS PATEL for Respondent(s) : 2,
MRS RANJAN B PATEL for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 05/04/2007

ORAL JUDGMENT :

1. During the course of hearing of the present petition under section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code"), it transpired that the contesting parties were

relatives belonging to the same family and community and had several other cases pending in several other courts on account of several complaints *inter se*. Upon the parties being called to remain personally present and by persuasion of the learned counsel, it was agreed among the parties concerned that all criminal cases pending in the courts relating to their family were required to be withdrawn, compounded or disposed without being prosecuted in view of an amicable settlement arrived at during negotiations before this court. It was, therefore, on instructions of the parties who were present in the court, jointly submitted by learned counsel that the present petition was required to be allowed after taking on record the deed dated 5.4.1007 of the understanding recorded with signatures of the family members present in the court and their counsel. That deed of understanding and declaration is taken on record.

2. According to the understanding recorded in the aforesaid deed and as stated, on instructions, by learned counsel, there are six other criminal cases, namely, Criminal Cases No.2764 of 1994, 596 of 1996, 605 of 1996, 755 of 1997, 72 of 1997 and 523 of 1996, pending before various learned Judicial Magistrates, First Class

at Vadodara and all those cases were agreed to be withdrawn, compounded or disposed by requesting for appropriate orders in the respective court in view of the overall amicable settlement recorded herein. It was agreed and submitted that the complainant in each of the aforesaid cases will make appropriate application for closing the proceedings in accordance with law without pursuing the case or further prosecuting the accused persons.

3. Accordingly, the petition is allowed by consent and joint request of the parties in terms of para 5 (A) with the direction that Criminal Case No.213 of 1997 pending in the court of learned Judicial Magistrate, First Class, Chanasma shall stand quashed and that the parties will abide by the statement recorded herein. Rule is made absolute accordingly with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)